

		ORL	DV Person Crimes, generally involving actual violence or attempts	"Other" DV, generally involving property
Intimate partners (include those with children in common and current visitation) ¹	Treatment counseling ²	Low Med high	DV Assessment DV Assessment DV Assessment	None DV Assessment or CBT DV Assessment or CBT
	Jail ³	Low Med High	0-30 0-60 0-90	None 0-30 0-60
	Probation type ⁴	Low Med High	None Court Supervised	None Court Supervised
Other Cohabitant Relationships (roommates, adult siblings/cousins) ⁵	Treatment Counseling	Low Med High	None DV Assessment or CBT DV Assessment or CBT	None DV Assessment or CBT DV Assessment or CBT
	Jail	Low Med High	0-10 0-30 0-60	None 0-30 0-60
	Probation Type	Low Med High	None Court Court	None Court Court

Sentencing in DV cases present many challenges. These guidelines are intended to provide a broad framework to structure a sentence. They have been developed with the maximum deference to judicial discretion to weigh the often competing factors in these cases. Victim safety must be the primary factor. However, the reality of continued contact between continued partners must be taken into account as well. With respect to treatment/counseling, the recommended delineations take into account the realities of the limited availability of treatment modalities in cases not involving intimate partners.

The main category of crime distinctions are those that involve assaults/wrongful detention, and imminent threats, from crimes involving cohabitants, but directed more at property or trespass related offenses (labeled "Other 'DV' Offenses").

As with all the misdemeanor sentencing guidelines, these guidelines take into consideration the offender's risk level as determined by a score generated by a fourth generation screening tool, such as the LS/RNR. Remember this risk factor is generalized to a defendant's risk of reoffending coupled with their needs for particular interventions to reduce that risk. They are not a measure of risk (danger/threat) and should never be confused with a lethality assessment or other tool designed to measure potential harm to an identifiable person such as an intimate partner.

These tools are best at weeding out low risk offenders from medium and high risk offenders. Offenders who score in medium or high or in the margins in between those categories should, if possible, receive further assessment as part of any supervised or court ordered probation to determine the appropriate level of treatment/interventions.

As a general rule, the Sentencing Commission recommends that misdemeanor courts faced with sentencing a defendant who is already being supervised for a more serious offense (whether that be recently sentenced, or an earlier grant of probation) consider allowing that grant of probation to provide the programming. However, given the specific safety concerns for identifiable victim(s) in DV cases, the Commission recognizes the appropriateness of probation terms tailored by each court to maximize victim safety.

The DV sentencing matrix does not include a category for fines. However, the Sentencing Commission recommends that the court impose the fine appropriate for the most serious offense for which the defendant is convicted. If there are multiple counts, and the court believes a more serious financial penalty is appropriate, the Commission recommends the court impose at most 10% of the recommended fines for each additional count. The Commission does not recommend the imposition of any suspended amount of fine, as violations should be addressed with behavior based sanctions, not financial ones. The Commission certainly does encourage courts to allow defendant's credits or offsets against ordered fines for completed counseling and other achieved goals (UA's, etc.).

¹ The protection of victim in these situations is of prime importance. Lethality assessments are recommended if available. Consider recommendations for non contact orders, but recognize that protective orders issued by civil court are broader and offer permanent protections.

² Courts should recognize the statutory presumption for counseling in DV cases See UCA 77-36-5, recognizing that current modalities of DV treatment are directed primarily at intimate partners. As more differentiated evidence-based treatments become available, these recommendations will be updated. This table does not account for the fact that a defendant may well present with other treatment/counseling needs such as substance abuse. A court faced with that should, if practicable address those issues through appropriate screening and assessment.

³ In DV cases, victim safety is the primary factor at sentencing. These ranges are meant as the general amount of jail time that the Commission believes are needed suspended to help a defendant achieve the terms outlined as a condition of sentence. They are not aimed at determining what an appropriate amount of jail at the time of sentencing would ensure the safety of a particular victim. Nor do they seek to address what period of incarceration is the amount warranted for a particular attack or infringement inflicted on the victim. Courts must weigh those factors in each case, balancing the core principles of sentencing as outlined in the guidelines.

⁴ The Commission recognizes that not all courts will have access to supervised probation. Again, a court may well be able to leverage an already existing supervision by another court, with appropriate updates.

⁵ Least suited to traditional BIP type treatment modalities, although the continued contact between roommates may warrant consideration of lethality assessments.